



The State of New Hampshire  
**Department of Environmental Services**



**Michael P. Nolin**  
Commissioner

LETTER OF DEFICIENCY  
WMB-BWQ-2004-01  
April 9, 2004

Richard Howson  
PO Box 574  
Weare, NH 03281

**File: 1203, Mount Williams Pond, Weare**

Dear Mr. Howson:

One of the many duties of the NH Department of Environmental Services (DES) Watershed Management Bureau is to ensure that all surface waters support their intended uses. DES has established surface water quality standards (RSA 485-A:8 and Env-Ws 1700) to protect these intended uses. The surface water quality standards apply to discharges that flow into surface waters of the state (Env-Ws 1701.02). Erosion of unprotected soils into lakes, rivers and streams increase the suspended solid load to the water, resulting in elevated turbidity and the settling of benthic deposits on a lake's bottom.

On April 6, 2004, DES received a complaint concerning the property located at 112 Pond View Drive (complaint file #1203) in Weare, NH. The complaint references the discharge of stormwater runoff from a wetlands area into Mount Williams Pond, a State Class B Waterbody. The discharge to the lake has created turbidity and sediment to enter the lake causing the deposit of benthic material.

On April 7, 2004, personnel from DES conducted a site inspection of the subject property. Based on the investigation the following water quality deficiencies were identified:

A sandy bank of fill material adjacent to the septic system leach field had eroded, transporting less than a cubic yard of material for more than 50 ft. into Mount Williams Pond.

Before the house, garage, and leach field were constructed on your property in 2002, surface and subsurface water flow likely discharged from the natural pond down slope through the subject property. In addition, fill material deposited along the right-of-way has elevated the road grade and caused additional water to be impounded in the natural pond. These changes have most likely affected the natural flow paths of water in this area.

The direct cause of the erosion and impact to Mount Williams Pond was the discharge of surface runoff as overland flow from the ponded area located across a private right-of-way. The overland flow caused a portion of the sandy bank adjacent to your leach field to fail and deposit this material into Mount Williams Pond. The deposition of sand to a Class-B waterbody is a violation of the following surface water quality standards:

1. General Water Quality Criteria [Env-Ws 1703.03] which states that all surface waters shall be free from substances in kind or quantity which settle to form harmful deposits.
2. Benthic Deposits [Env-Ws 1703.08] which states that class B waters shall contain no benthic deposits that have a detrimental impact on the benthic (lake bottom) community.

You are responsible for avoiding future violations of water quality standards. The DES Watershed Management Bureau requests that the following temporary and permanent remedial actions:

- Immediate installation of silt fence and hay bales to prevent additional eroded material from discharging to Mount Williams Pond. It is recommended that the silt fence be installed or inspected by a professional. Silt fence and hay bales to be in place no later than April 10<sup>th</sup> in anticipation of additional rain forecasted for April 11<sup>th</sup>-13<sup>th</sup>.
2. Continued pumping of water from the pond to gain additional short-term storm water storage. The discharge should be to the north side of the house, more than 50 ft. from the shoreline of Mount Williams Pond. Preferably discharge to a wooded area with leaf litter. Continually check this area

to verify that no eroded material or surface water runoff is entering Mount Williams Pond. Install silt fence if necessary.

Hire a professional to design a method to reduce the water elevations in the natural pond to pre-modified levels. Please send a copy of the revised plan to the DES biology section for review and approval. If revisions require culverting adjacent to the leach field, please submit an amended septic design to the DES Subsurface System Bureau for approval prior to any work. If revisions include wetland impacts please coordinate wetlands permits with Jeff Blecharczyk, DES Wetlands Bureau prior to any work.

4. Hire a professional to design a stabilized landscape which will not erode into Mount Williams Pond. This professional may be the same person as described in item #3. This plan should indicate all areas which will be stabilized and the placement of silt fencing during this process. Bark mulch spread on loose soil is not considered a sufficient material to permanently stabilize soils. At a minimum, please loam and seed all loose soils. If a culvert is installed, level spreaders, rip-rap, vegetated swales and additional plantings may also be necessary to minimize water quality impact to Mount Williams Pond. Again, please send a copy of this plan to the DES biology section for review and approval.
- 5 Contact Jeff Blecharczyk, DES Wetlands Bureau regarding necessary permits to remove the sediment recently deposited in Mount Williams Pond. This can most likely be dug by hand with installation of a silt fence or screen.

Compliance with the cited deficiencies can be achieved by immediately and properly installing silt fence and hay bales to avoid violations of state water quality standards.

*In addition a letter and plan(s) outlining how compliance has been achieved according to the outlined remedial action should be submitted to DES within 30 calendar days from receipt of this letter. In the event that appropriate actions are not taken, DES may order you to take remedial measures as may be necessary. Failure to comply with such order may result in enforcement action by DES under RSA 485-A:8. In addition, DES personnel may conduct another inspection at a later date to determine whether you have come into, and are maintaining, full compliance with the applicable statute.*

Please be assured that DES appreciates your willingness to cooperate to avoid water quality impact. I am confident that we can find a solution to the storm water and water quality concerns. If you have any questions, please contact me at (603) 271-5334 or [achapman@des.state.nh.us](mailto:achapman@des.state.nh.us).

Sincerely,

**COPY** 

Andrew Chapman  
DES Watershed Management Bureau

Certified Mail #7000 1670 0000 0585 9763

AC\ml H:\BIOLOGY\Complaints\1203, Mount Williams, Weare, Howson\LOD-1203 04092004.doc

Mark Harbaugh, Enforcement Attorney, DES ✓  
DES Watershed Management Bureau File (#1203)  
Jeff Blecharczyk, DES Wetlands Bureau  
Jim Falicon, DES Subsurface Systems Bureau (CA2002043586)